

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SCOTT JOHNSON,
Plaintiff,

v.

WILLIAM MARK PIERCY,
Defendant.

Case No. [5:20-cv-07591-EJD](#)

**ORDER TO SHOW CAUSE WHY
ACTION SHOULD NOT BE
DISMISSED**

Plaintiff Scott Johnson filed the present action on October 29, 2020. Dkt. No. 1. On May 27, 2021, the Court granted Plaintiff's administrative motion for relief seeking an order requiring Defendant William Piercy to provide dates of availability to conduct the settlement meeting required under General Order 56. Dkt. No. 16. The Court ordered the parties to conduct a settlement meeting by June 30, 2021 and Plaintiff to file a notice of need for mediation no later than 7 days after the parties' settlement meeting. Plaintiff did not file a notice of need for mediation by July 7, 2021, the latest possible date he could have done so. Neither party has taken any action in this case since the Court's May 27 order.

The Court possesses the inherent power to dismiss an action sua sponte "to achieve the orderly and expeditious disposition of cases." *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–33 (1962). Plaintiff is directed to file a written response to this order by **August 2, 2021** and to appear before the Court on **August 12, 2021, at 10:00 a.m.** and show cause why this action should not be dismissed with prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). If Plaintiff fails to file a written response by the above deadline, the Court will

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OSC WHY ACTION SHOULD NOT BE DISMISSED

1 dismiss the action with prejudice pursuant to Federal Rule of Civil Procedure 41(b).

2 **IT IS SO ORDERED.**

3 Dated: July 16, 2021

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6 EDWARD J. DAVILA
7 United States District Judge
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